

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---------------------------------|---|-------------------------|
| VINCENT VENTIMIGLIA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:08CV1199 CDP |
| |) | |
| ST. LOUIS C.O.G., INC., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before me on plaintiffs' motion for an extension of time to respond to the pending motions to dismiss. Plaintiffs seek leave to file one opposition to all pending motions to dismiss. I agree that the interests of judicial economy are best served by allowing plaintiffs to file a consolidated opposition to the pending motions to dismiss, and I will grant plaintiffs an extension of time to do so. Plaintiffs must respond to all motions to dismiss that are pending as of November 3, 2008 by November 24, 2008.

In addition to addressing the motions to dismiss, plaintiffs' opposition shall also explain whether the proposed second amended complaint cures any factual or legal deficiencies raised by defendants in the motions to dismiss and whether amendment would be futile since plaintiffs cannot maintain a civil cause of action under the criminal statutes cited in the motion for leave to file a second amended

complaint. Plaintiffs' "Notice for Motion Hearing Day," which the Court construes as a motion for an October 15, 2008 hearing on plaintiffs' motion for leave to file a second amended complaint, will be denied at this time. However, the Court may set a hearing on some or all pending motions after they are fully briefed.

Finally, plaintiff Vincent Ventimiglia cannot represent plaintiff Debbie Ventimiglia because he is not an attorney, so all future pro se filings submitted on behalf of plaintiffs must bear the signature of Debbie Ventimiglia in addition to Vincent Ventimiglia's signature.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for an extension of time [#44] is granted, and **plaintiffs are granted leave to file a consolidated opposition to all motions to dismiss that are pending as of November 3, 2008 by November 24, 2008.**

IT IS FURTHER ORDERED that plaintiffs' Notice for Motion Hearing Day [#49] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 8th day of October, 2008.